

Appl. No.: 10/611,506
Amdt. Dated: 7/28/05
Reply to Office Action of: July 8, 2005

REMARKS/ARGUMENTS

1. Prior Notice of Allowance

A Notice of Allowance was received in the case; and along with the Notice applicant also received an Office Action that was made after the allowed claims were reviewed by a Quality Review Examiner. The Office Action rejected all claims in view of the art cited below.

Applicant's undersigned attorney called Examiner Hiteshew on or about July 20, 2005 to clarify what was applicants' proper response. The result of that discussion is that applicant should regard the Notice of Allowance as being withdrawn in view of the additional cited art and rejection. The proper response is to reply to the Office Action and cited art.

Therefore, applicant regards the Notice of Allowance as being withdrawn and requests that if the arguments present herein are persuasive a new Notice of Allowance be issued.

2. Claims

Claims 1 – 20 remain in this application. No amendments, including cancellations or new claims, have been made.

3. § 103 Rejections

The Examiner has rejected claims 1 – 20 under 35 U.S.C. § 103(a) as being unpatentable for obviousness over Shibata, et al. (U.S. Patent No. 5,658,504).

The Examiner asserts that Shibata teaches a production method comprising a high purity and high density polycrystalline BaF₂ sintered body which has infrared transmission, not inferior to that obtained by the first production method, this method being simple and more economical than the first method. Additional details of the rejection are given in the Office Action. Applicants traverse the rejection.

Shibata specifically teaches away from the use of a flexible mold. This teaching away can be found by looking at the Shibata patent in column 2, lines 18-29, and in column 3, lines 50-57. In column 2, lines 18-29, Shibata states that hot press sintering and normal pressure sintering with HIP or CIP are done using the conventional die molding and sintering process which are used in producing an infrared transmitting barium fluoride

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body. In column 3, lines 50-57, clearly indicates that a carbon mold is used. These two sections of the Shibata patent thus clearly indicate that Shibata is using a rigid mold, not a flexible mold as claimed by applicant. There is no teaching or suggestion in Shibata that a flexible mold can be used to achieve the same result. By stating that applicant's use of a flexible mold is equivalent to Shibata's use of a rigid mold the Examiner is using applicants own teaching against him in view of Shibata's failure to teach or suggest the use of a flexible mold.

Based upon the above amendments, remarks, and papers of records, applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Applicant believes that no extension of time is necessary to make this Reply timely. Should applicant be in error, applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

28 July 2005
Date

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.3
I hereby certify that this paper and any papers referred to herein are being transmitted by facsimile to the U.S. Patent and Trademark Office at 571-273-8300 on:
<u>28 July 2005</u> Date
<u>Walter M. Douglas</u> 28 July 2005 Walter M. Douglas Date

Respectfully submitted,
CORNING INCORPORATED

Walter M. Douglas
Walter M. Douglas
Registration No. 34,510
Corning Incorporated
Patent Department
Mail Stop SP-TI-03-1
Corning, NY 14831